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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,121	07/11/2003	Todd E. Kooken	LEEE 200320	3001
7590	10/31/2005		EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2579			WRIGHT, INGRID D	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/617,121	KOOKEN ET AL.
	<b>Examiner</b> Ingrid Wright	<b>Art Unit</b> 2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 15-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>10/21/05</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/03</u> . | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Interview Summary*

1. A call was made to **Jonathan Withrow, Reg. 5458** on 10/21/05 to request a copy of the original reference of the AAPA (Applicant Admitted Prior Art), but a copy of the original reference of the AAPA was not available. Mr. Withrow stated that the AAPA was not patented and was a previous invention of the applicant.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3,4,5,6,7,8, 9,10,15,16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) (fig. 2) in view of Patel US 6163073, further in view of Winkler US 4705934.

With respect to claim 1, AAPA teaches a heat dissipation platform (34) for an output switch (Q1) of an inverter power source of an electric arc welder, said platform (34) comprising a conductive plate (36) with first and second generally parallel surfaces (see, for example, locations marked on AAPA) and, said switch (Q1) being mounted on said first surface, including a heat sink (30) of high heat conductivity material with a thin mounting plate (36) on said second surface and integral, parallel fins (38) protruding from said mounting plate (36) on said given direction away from said second surface and extending in said given direction, including a fan (40) mounted on said platform (34) to

blow air toward said second surface (see, for example, location marked on AAPA), including fan (40) mounted on said platform (34) to blow air toward second surface, wherein a switch (Q1) mounted at a first location on said first surface and a first fan (40) blowing air toward said second surface at a said first location, wherein said plate (36) comprises a first portion and a second portion, wherein said first portion includes said first surface and said second portion includes said second surface (see, for example, locations marked on AAPA), and a heat dissipation platform (34) for one output switch (Q1) of an inverter power source of an electric arc welder, said platform (34) comprising a conductive plate (36) having first and second surfaces (see, for example, locations marked on AAPA) , a switch (Q1) being mounted on said first surface at a first location.

AAPA lacks an additional switch being mounted on said first surface.

Winkler teaches a plurality of switches 1-5 (The figure) mounted between a first surface (A) and a second surface (B), said first surface (A) being continuous between said first location and second location.

It would have been obvious to a person of ordinary skill in the cooling art at the time the invention was made to place one of the switches of Winkler adjacent to the switch (Q1) of the AAPA, in order to provide a switching system to control system output power in an arc welder.

AAPA lacks a plurality of parallel heat pipes located between said surfaces and extending in a given direction.

Patel teaches (fig. 2) a plurality of parallel heat pipes in grooves (32,34,36,38 & 40), located between parallel surfaces of a platform and extending in a given direction,

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wherein said parallel heat pipes mounted in grooves (32,34,36,38 & 40) in said plate (bottom portion of heat sink (10)), wherein said parallel heat pipes in grooves (32,34,36,38,40) are mounted adjacent a surface (top surface of module (42)).

It would have been obvious to a person of ordinary skill in the cooling art at the time the invention was made to place the plurality of heat pipes as taught by Patel between the first and second generally parallel surfaces (see, for example, locations marked on AAPA) in the invention of the AAPA, in order to provide more efficient heat transfer (column 2, lines 22-25).

AAPA lacks a second fan blowing air toward said second surface at said second location.

It would have been obvious to a person of ordinary skill in the cooling art at the time the invention was made to add an additional fan of the AAPA to blow air toward said second surface at said second location, in order to improve heat transfer.

#### ***Response to Arguments***

3. In AAPA, the switches Q1& Q2 was viewed as being mounted on a first surface of a conductive plate, because arrows seemed to suggest a continuous surface. Upon further consideration, in light of applicants remarks, beginning on page 4 of the response dated 8/2/05, Q1 & Q2 are presently viewed as mounted on two distinct first surfaces of separate heat sinks.

Applicant's other remarks concerning the office action mailed 5/17/05 are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IDW



LISA LEA EDMONDS  
PRIMARY EXAMINER

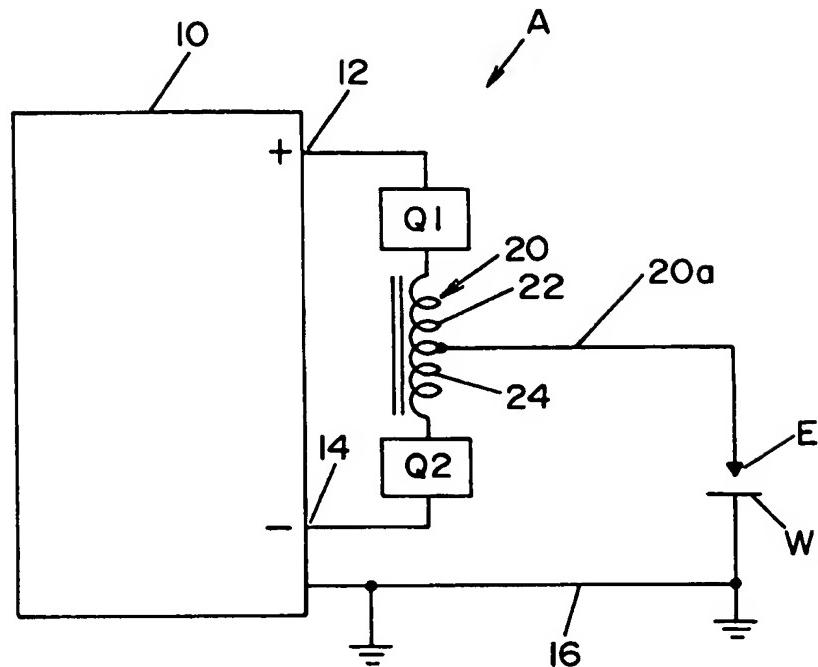


FIG. 1

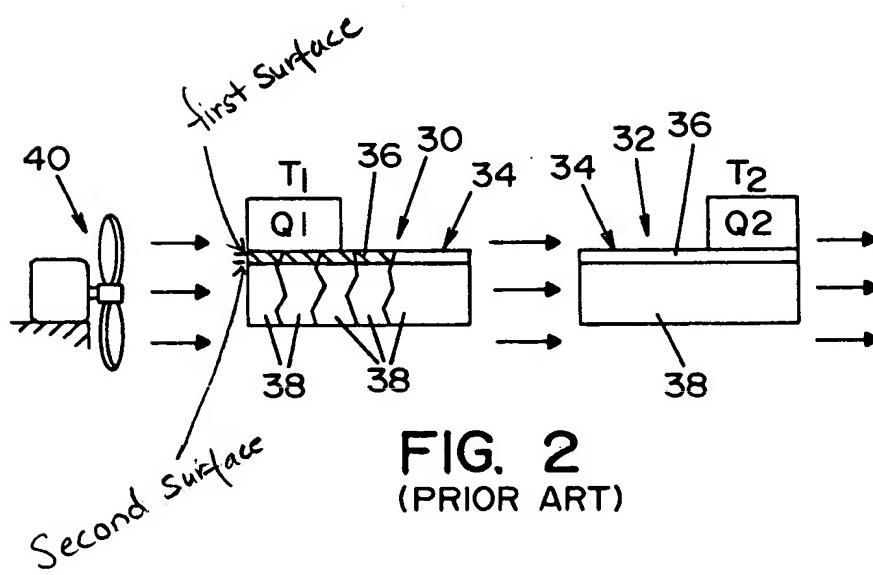


FIG. 2  
(PRIOR ART)